IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 5854 of 2006
Date of decision : 14.11.2006.

Kehar Singh

.....Petitioner.

Versus

Joginder Kaur & Ors.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.B.R. Mahajan,Advocate
for the petitioner.

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VINOD K. SHARMA,J.(ORAL)

This revision petition has been filed against the orders passed by the learned Courts below dismissing the application filed by the petitioner under Order 39 Rules 1 & 2 read with Section 151 of the Code of Civil Procedure.

The petitioner plaintiff claimed to be a tenant under Smt. Joginder Kaur i.e. respondent No.1. It is not in dispute that prior to filing of the present suit Smt. Joginder Kaur, who is wife of the petitioner alongwith her son had filed a similar suit, which was dismissed.

The learned Courts below have further held by relying upon the provisions of the Punjab Land Revenue Act that cultivation by the husband on behalf of his wife is deemed to be self cultivation and once Smt. Joginder Kaur had sold the property it was not open to the petitioner to claim that he was tenant under her and, therefore, entitled to protect possession.

Thus, there is no error or illegality in the orders passed by the learned Courts below which may call for interference by this Court in exercise of revisional jurisdiction.

Dismissed.

14.11.2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**